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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				VAUGHAN, MICHAEL R
ART UNIT		PAPER NUMBER		
2431				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/588,128	ASANO, TOMOYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL R. VAUGHAN	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 June 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **6/16/09** has been entered.

Claims 1, 4, 6, 11, 16, 21, and 22 have been amended. Claims 1-22 are pending.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 112***

Currently filed amendments overcome the previous 112 rejections.

### ***Response to Arguments***

Applicant's arguments filed 6/1/09 have been fully considered but they are not persuasive. The following interpretation of the prior art is solely based on the current

set of claims and arguments submitted by the Applicant. It is not the only possible interpretation of the prior art and may be altered when/if the claims and/or arguments change.

Applicant has alleged that prior art, Kii, fails to teach that the situation data is stored on the server and that Kii only teaches that said situation data originates from the client terminal device. Examiner respectfully disagrees. Kii teaches in 0391, that access right information [situation data] must be stored in either the package medium or in a management server 505. In paragraphs 0391-0394, Kii describes a process whereby the server authenticates the medium and acquires a request for a title, and then in conjunction with the medium ID and access right information, judges whether to permit said request for said title. In this embodiment, the title-unique value corresponds to the user selection in 0393. The server only accepts such a request after first authenticating the medium ID (0392). Once authenticated, the server verifies the access right information identified by the user selection (situation data based on the title-unique value) in the database of the server (0391). If the request and medium ID are valid for the selected title, the server delivers the content to the medium ID (0394). Whether the situation data comes from the terminal or stored in the server, the server has the means to validate it by its own processes and information.

In response to Applicant's arguments that Kii and Kutaragi fail to teach the apparatus first verifying the medium ID before requesting service from the server, Examiner maintains this would have been obvious when combining Kutaragi and Kii. Kutaragi clearly teaches this limitation in 0078-0079. Kii teaches a two phase service

request of first authenticating the medium ID before the access rights. It would have been obvious to have the apparatus perform the initial authentication as means to offload some of the work performed by the server.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 11, 12, 15, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by USP Application Publication 2002/0099661 to Kii et al., hereinafter Kii.

As per claim 1, Kii teaches a server for executing processing in response to a request from an information processing apparatus, the server comprising:

a data reception section which receives a service request accompanied by an information recording medium ID [ID] and a service ID [connection program and information identifying the service provider's ID], from the information processing apparatus (0113 & 0392);

a storage section [database] which stores service providing situation data [Fig 6, upload/download rights of access right information; 0391] for each of the information

recording medium IDs as service management data for each of title-unique values [user selection of desired content; 0117 & 0393] corresponding to titles of content stored on information recording media (0117);

and a data processing section configured to verifying the information recording medium ID received via the data reception section, to acquire a title-unique value on the basis of the information recording medium ID when the information recording medium ID is verified as valid (0017), to acquire, based on the title-unique value, service providing situation data from the storage section which indicates whether or not a service specified by the information recording medium ID and the service ID is permitted, and to execute the service providing processing corresponding to the service when the service is determined to be permitted based on the service providing situation data (0118).

As per claim 2, Kii teaches the data processing section is configured to execute the processing of verifying the information recording medium ID as processing of verifying signature data contained in the information recording medium ID, and execute the processing of acquiring, from the storage section, the service providing situation data corresponding to the title-unique value, according to the title-unique value contained in the information recording medium ID, or the title-unique value calculated by executing a calculation based on data contained in the information recording medium ID (0018).

As per claim 5, Kii teaches a prime set [unique ID] in response to each of a number of information recording media manufactured (0007); and

data IDKey [encryption key] calculated by a calculation based on the prime and the title-unique value [ID] (0118); and

the data processing section is configured to execute processing of judging whether or not data contained in the information recording medium ID is the prime, as the ID verifying processing, and also calculate the title-unique value from the data IDKey contained in the information recording medium ID, and acquiring the service providing situation data corresponding to the title-unique value calculated, from the storage section (0118). For purposes of examination it appears this claim is directed to the idea that each medium ID has the necessary parameters to perform public key encryption to authenticate the mediums with the server. The prime set can be interpreted to be those known and necessary parameters that two or more parties must agree on to perform public key encryption. A choice of a prime could be interpreted as a private key. Therefore the IDkey would be the encrypted form of the unique media ID (aka digital signature}. This would be passed to the server to prove one's authenticity. Kii teaches a public key authentication process and as such Examiner finds nothing novel to the notion of public key cryptography in this claim.

As per claim 11, Kii teaches a data processing method for executing service providing processing in response to a service providing request from an information processing apparatus, comprising:

receiving a service request accompanied by an information recording medium ID [ID] and a service ID [connection program and information identifying the service provider's ID], from the information processing apparatus (0113);

verifying the information recording medium received (0392);

acquiring the title-unique value [user selection of desired content] on the basis of the information recording medium ID when the information recording medium ID is verified as valid (0393);

acquiring, based on the title-unique value, service providing situation data [Fig 6, upload/download rights] for each of the information recording medium IDs as service management data for each of title-unique values [user selection of desired content; 0117 & 0393] corresponding to titles of content stored on information recording media (0117);

judging whether or not a service requested by the service request including the information recording medium ID and the service ID is permitted based on the acquired service providing situation data (0391 and 0394), and

executing the service providing processing on condition that the service is determined to be permitted by the judging (0118 and 0394).

As per claim 12, Kii teaches the data processing section is configured to execute the processing of verifying the information recording medium ID as processing of verifying signature data contained in the information recording medium ID, and execute the processing of acquiring, from the storage section, the service providing situation

data corresponding to the title-unique value, according to the title-unique value contained in the information recording medium ID, or the title-unique value calculated by executing a calculation based on data contained in the information recording medium ID (0018).

As per claim 15, Kii teaches a prime set [unique ID] in response to each of a number of information recording media manufactured (0007); and

data IDKey [encryption key] calculated by a calculation based on the prime and the title-unique value [ID] (0118); and

the data processing section is configured to execute processing of judging whether or not data contained in the information recording medium ID is the prime, as the ID verifying processing, and also calculate the title-unique value from the data IDKey contained in the information recording medium ID, and acquiring the service providing situation data corresponding to the title-unique value calculated, from the storage section (0118). For purposes of examination it appears this claim is directed to the idea that each medium ID has the necessary parameters to perform public key encryption to authenticate the mediums with the server. The prime set can be interpreted to be those known and necessary parameters that two or more parties must agree on to perform public key encryption. A choice of a prime could be interpreted as a private key. Therefore the IDkey would be the encrypted form of the unique media ID (aka digital signature}. This would be passed to the server to prove one's authenticity. Kii teaches a public key authentication process and as such Examiner finds nothing novel to the notion of public key cryptography in this claim.

As per claim 21, Kii teaches a computer readable storage medium having stored thereon a program for executing a data processing method, comprising:

receiving a service request accompanied by an information recording medium ID [ID] and a service ID [connection program and information identifying the service provider's ID], from an information processing apparatus (0113);

verifying the information recording medium received (0392);

acquiring the title-unique value [user selection of desired content] on the basis of the information recording medium ID when the information recording medium ID is verified as valid (0393);

acquiring, based on the title-unique value, service providing situation data [Fig 6, upload/download rights] for each of the information recording medium IDs as service management data for each of title-unique values [user selection of desired content; 0117 & 0393] corresponding to titles of content stored on information recording media (0117);

judging whether or not a service requested by the service request including the information recording medium ID and the service ID is permitted based on the acquired service providing situation data (0391 and 0394), and

executing the service providing processing on condition that the service is determined to be permitted by the judging (0118 and 0394).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kii in view of USP Application Publication 2003/0221097 to Nakano et al., hereinafter Nakano.

As per claims 3 and 13, Kii teaches a server contains a storage section for holding a database filled with the unique media IDs (0007). Kii is silent in disclosing that the server stores a revocation list being a list of unauthorized information recording medium IDs; and the processing of verifying the information recording medium ID in the data processing section is executed as processing of comparing the information recording medium ID received from the information processing apparatus with the IDs recorded in the revocation list. Nakano teaches revocation list being a list of unauthorized information recording medium IDs; and the processing of verifying the information recording medium ID in the data processing section is executed as processing of comparing the information recording medium ID received from the information processing apparatus with the IDs recorded in the revocation list (0017). Kii teaches the use of public key authentication for recorded media. Nakano also teaches the use of public key authentication for recorded media, but also teaches the use of a revocation list to flag compromised media. Kii does not teach a method to combat

illegal copies of media. Revocation lists are a known method to combat illegal copies. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kii with those of Nakano to not allow user's of illegal copies from gaining access to content on the server.

As per claims 4 and 14, Kii teaches the information recording medium ID is configured to include a title-unique value [user selected desired content] corresponding to a title of content stored in an information recording medium, (0128); and the data processing section is configured to execute the processing of verifying the information recording medium ID; and also execute the processing of acquiring the service providing situation data corresponding to the title-unique value contained in the information recording medium ID, from the storage section [database] (0128). Kii teaches the use of public key encryption as an alternate means to authentication the unique media but stops short of teaching the generation of signature data and comparing the signature data to in the medium ID (0128). Nakano teaches in more detail the use of public key cryptography for creating signature messages and verifying them with public key information as a means of authentication (0047). The use of public key cryptography is well known and established in the art. Kii even suggests using it. Nakano gives the details of how public key cryptography is applied to signatures for authentication. Substituting known methods for similar purposes yielding predictable results is within the capabilities of one of ordinary skill in the art. Therefore the claim

would have been obvious because generating messages and authenticating [comparing] them with the use of public keys is known in the art.

Claims 6, 7, 10, 16, 17, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kii in view of USP Application Publication 2002/0129262 to Kutaragi et al., hereinafter Kutaragi.

As per claim 6, Kii teaches an information processing apparatus (0165) for transmitting a service providing request to a service providing server, further comprising:

a recording medium interface which executes processing of accessing an information recording medium (0256); and

a data processing section which executes processing of verifying an information recording medium ID read from the information recording medium via the recording medium interface, and executes processing of transmitting the information recording medium ID to the service providing server on condition that the information recording medium ID is verified as valid (0392-0394). Kii does not explicitly teach first verifying the medium ID before transmitting it to the service providing server. Kutaragi teaches this limitation in paragraph 0078 and 0079. Kutaragi teaches the apparatus can first check and verifying the medium ID is proper before sending it to the server for further processing. It is obvious to one of ordinary skill in the art to substitute known method which yield predictable results. By verifying the medium ID before requesting service by

the server, the server can avoid requests from illegal mediums. This would cut down on the processing performed by the server and free its resources for legitimate requests. The capabilities of one of ordinary skill in the art include the substitution of known methods.

As per claim 7, Kii teaches the data processing section is configured to execute the processing of verifying the information recording medium ID as processing of verifying signature data contained in the information recording medium ID, and execute the processing of acquiring, from the storage section, the service providing situation data corresponding to the title-unique value, according to the title-unique value contained in the information recording medium ID, or the title-unique value calculated by executing a calculation based on data contained in the information recording medium ID (0018). Using the combination as described in the rejection of claim 6, this type of processing could then be performed by the apparatus before sending the request to the server.

As per claim 10, Kii teaches a prime set [unique ID] in response to each of a number of information recording media manufactured (0007); and data IDKey [encryption key] calculated by a calculation based on the prime and the title-unique value [ID] (0118); and the data processing section is configured to execute processing of judging whether or not data contained in the information recording medium ID is the prime, as the ID verifying processing, and also calculate the title-unique value from the data

IDKey contained in the information recording medium ID, and acquiring the service providing situation data corresponding to the title-unique value calculated, from the storage section (0118). For purposes of examination it appears this claim is directed to the idea that each medium ID has the necessary parameters to perform public key encryption to authenticate the mediums with the server. The prime set can be interpreted to be those known and necessary parameters that two or more parties must agree on to perform public key encryption. A choice of a prime could be interpreted as a private key. Therefore the IDkey would be the encrypted form of the unique media ID (aka digital signature}. This would be passed to the server to prove one's authenticity. Kii teaches a public key authentication process and as such Examiner finds nothing novel to the notion of public key cryptography in this claim.

As per claim 16, Kii teaches a data processing method (0165) for executing a service providing request to a service providing server, characterized by having:

- a recording medium interface which executes processing of accessing an information recording medium (0256); and
- a data processing section which executes processing of verifying an information recording medium ID read from the information recording medium via the recording medium interface, and executes processing of transmitting the information recording medium ID to the service providing server on condition that the information recording medium ID is validated (0392-0394). Kii does not explicitly teach first verifying the medium ID before transmitting it to the service providing server. Kutaragi teaches this limitation in paragraph 0078 and 0079. Kutaragi teaches the apparatus can first check

and verifying the medium ID is proper before sending it to the server for further processing. It is obvious to one of ordinary skill in the art to substitute known method which yield predictable results. By verifying the medium ID before requesting service by the server, the server can avoid requests from illegal mediums. This would cut down on the processing performed by the server and free its resources for legitimate requests. The capabilities of one of ordinary skill in the art include the substitution of known methods.

As per claim 17, Kii teaches the data processing section is configured to execute the processing of verifying the information recording medium ID as processing of verifying signature data contained in the information recording medium ID, and execute the processing of acquiring, from the storage section, the service providing situation data corresponding to the title-unique value, according to the title-unique value contained in the information recording medium ID, or the title-unique value calculated by executing a calculation based on data contained in the information recording medium ID (0018). Using the combination as described in the rejection of claim 6, this type of processing could then be performed by the apparatus before sending the request to the server.

As per claim 20, Kii teaches a prime set [unique ID] in response to each of a number of information recording media manufactured (0007); and data IDKey [encryption key] calculated by a calculation based on the prime and the title-unique value [ID] (0118); and

the data processing section is configured to execute processing of judging whether or not data contained in the information recording medium ID is the prime, as the ID verifying processing, and also calculate the title-unique value from the data IDKey contained in the information recording medium ID, and acquiring the service providing situation data corresponding to the title-unique value calculated, from the storage section (0118). For purposes of examination it appears this claim is directed to the idea that each medium ID has the necessary parameters to perform public key encryption to authenticate the mediums with the server. The prime set can be interpreted to be those known and necessary parameters that two or more parties must agree on to perform public key encryption. A choice of a prime could be interpreted as a private key. Therefore the IDkey would be the encrypted form of the unique media ID (aka digital signature}. This would be passed to the server to prove one's authenticity. Kii teaches a public key authentication process and as such Examiner finds nothing novel to the notion of public key cryptography in this claim.

As per claim 22, Kii teaches a computer readable storage medium having stored thereon a program (0165) for executing a data processing method comprising:

- a recording medium interface which executes processing of accessing an information recording medium (0256); and
- a data processing section which executes processing of verifying an information recording medium ID read from the information recording medium via the recording medium interface, and executes processing of transmitting the information recording

medium ID to the service providing server on condition that the information recording medium ID is validated (0392-0394). Kii does not explicitly teach first verifying the medium ID before transmitting it to the service providing server. Kutaragi teaches this limitation in paragraph 0078 and 0079. Kutaragi teaches the apparatus can first check and verifying the medium ID is proper before sending it to the server for further processing. It is obvious to one of ordinary skill in the art to substitute known method which yield predictable results. By verifying the medium ID before requesting service by the server, the server can avoid requests from illegal mediums. This would cut down on the processing performed by the server and free its resources for legitimate requests. The capabilities of one of ordinary skill in the art include the substitution of known methods.

Claims 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kii and Kutaragi as applied to claims 6 and 16 above, and further in view of Nakano.

As per claims 8 and 18, Kii teaches a server contains a storage section for holding a database filled with the unique media IDs (0007). Kii and Kutaragi are silent in disclosing that the server stores a revocation list being a list of unauthorized information recording medium IDs; and the processing of verifying the information recording medium ID in the data processing section is executed as processing of comparing the information recording medium ID received from the information

processing apparatus with the IDs recorded in the revocation list. Nakano teaches revocation list being a list of unauthorized information recording medium IDs; and the processing of verifying the information recording medium ID in the data processing section is executed as processing of comparing the information recording medium ID received from the information processing apparatus with the IDs recorded in the revocation list (0017). Kii teaches the use of public key authentication for recorded media. Nakano also teaches the use of public key authentication for recorded media, but also teaches the use of a revocation list to flag compromised media. Kii does not teach a method to combat illegal copies of media. Revocation lists are a known method to combat illegal copies. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Kii and Kutaragi with those of Nakano to not allow user's of illegal copies from gaining access to content on the server.

As per claims 9 and 19, Kii teaches the information recording medium ID is configured to include a title-unique value [user selected desired content] corresponding to a title of content stored in an information recording medium, (0128); and the data processing section is configured to execute the processing of verifying the information recording medium ID; and also execute the processing of acquiring the service providing situation data corresponding to the title-unique value contained in the information recording medium ID, from the storage section [database] (0128). Kii teaches the use of public key encryption as an alternate means to authentication the

unique media but stops short of teaching the generation of signature data and comparing the signature data to in the medium ID (0128). Nakano teaches in more detail the use of public key cryptography for creating signature messages and verifying them with public key information as a means of authentication (0047). The use of public key cryptography is well known and established in the art. Kii even suggests using it. Nakano gives the details of how public key cryptography is applied to signatures for authentication. Substituting known methods for similar purposes yielding predictable results is within the capabilities of one of ordinary skill in the art. Therefore the claim would have been obvious because generating messages and authentication [comparing] them with the use of public keys is known in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./  
Examiner, Art Unit 2431

/William R. Korzuch/  
Supervisory Patent Examiner, Art Unit 2431